

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1898.02
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	March 20, 2002
DATE OF REPORT:	April 24, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 16, 2002

COMPLAINT ISSUES:

Whether the Jay School Corporation violated:

- 511 IAC 7-27-2(c) and 511 IAC 7-17-3 by failing to provide the parent adequate written notice of the case conference committee (CCC) meeting scheduled for March 11, 2002;
- 511 IAC 7-27-2(a) by failing to schedule the CCC at a date and time mutually agreed upon by the parent;
- 511 IAC 7-27-5(c) by failing to provide the parent with a copy of the CCC Report/IEP within ten business days of the March 11, 2002, CCC meeting; and
- 511- IAC-7-23-1(f) by failing to provide the parent with access to a copy of the tape recording of the March 11, 2002, CCC meeting.

On April 19, 2002, the associate superintendent extended the deadline for completion of the investigation report to April 24, 2002.

FINDINGS OF FACT:

1. The Student is a thirteen-year-old seventh-grader who has been determined eligible for special education and related services due to an orthopedic impairment and a visual impairment.
2. The parent requested a CCC meeting via a phone call on February 26, 2002, and indicated that she was available on the following dates and times:
 - March 5, 2002 at 9:00;
 - March 11, 2002 after 1:00;
 - March 12, 2002 anytime; or
 - March 13, 2002 at 9:00.

On March 5, 2002, the school informed the parent during a telephone conversation that the CCC was scheduled for 1:00 p.m. on March 11, 2002. On March 8, 2002, the school sent the parent a written CCC notification form via certified mail regarding the March 11, 2002, CCC meeting. The parent confirms that she received the written notice on March 9, 2002.

3. The school mailed the parent a copy of the CCC Summary/IEP dated, March 11, 2002, via certified mail on March 19, 2002. The post office issued notices to the parent of the certified mail on March 20 and March 29, 2002. The post office marked the mail as "Unclaimed" on April 5, 2002 and returned the mail to the school.
4. The school audiotaped the March 11, 2002 CCC, meeting. During the meeting the parent requested a copy of the tape. The school's response indicates that, because they utilized a micro cassette recorder to make the tape, there were technical difficulties in having the tape copied, therefore, they are in the process of completing a written transcription of the tape. The response also indicates that the school will provide the parent a copy of the written transcript of the tape and the opportunity to listen to the audiotape within the 45 calendar days of the parent's March 11, 2002 request. The 45 days will elapse on April 25, 2002.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the school acknowledged the parent's request for a CCC meeting by agreeing to one of the four dates and times suggested by the parent. The school notified the parent of the date selected via a telephone call on March 5, and sent a written notice on March 8. The parent received the written notice on March 9. Therefore, no violations of 511 IAC 7-27-2(c) or 511 IAC 7-17-3 are found.
2. Finding of Fact #2 demonstrates that the school scheduled the CCC meeting on one of the four dates and times that the parent indicated that she was available. Therefore, no violation of 511 IAC 7-27-2(a) is found.
3. Finding of Fact #3 reflects that the school sent the parent via certified mail on March 19, 2002, a copy of the Student's CCC Summary /IEP dated, March 11, 2002; however, the parent failed to claim the certified mail. Therefore, no violation of 511 IAC 7-27-5(c) is found.
4. Finding of Fact #4 indicates that the parent requested a copy of the audiotape on March 11, 2002. The school has until April 25, 2002 to provide the requested information to the parent. Therefore, no violation of 511 IAC 7-23-1(f) is found.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: April 24, 2002